

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 8.32.150 of the Lincoln Municipal Code
2 relating to the occupation tax imposed on refuse haulers to increase said occupation tax, effective
3 September 1, 2015, from \$9.00 to \$11.00 per ton; and repealing Section 8.32.150 of the Lincoln
4 Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 8.32.150 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **8.32.150 Occupation Tax.**

9 (a) There is hereby imposed an occupation tax of ~~\$7.00~~ \$9.00 on each ton of refuse
10 collected by a refuse hauler within the corporate limits of the City of Lincoln, and a tax of ~~\$7.00~~
11 \$9.00 on each ton of refuse collected by a refuse hauler outside the corporate limits of the City
12 of Lincoln and deposited in the public sanitary landfills as designated in Section 8.32.040 of the
13 Lincoln Municipal Code; effective September 1, ~~2013~~ 2015, the rate of occupation tax on refuse
14 collected within the corporate limits as provided herein, and on refuse collected outside the
15 corporate limits and deposited in the public sanitary landfills as provided herein, shall be raised
16 to ~~\$9.00~~ \$11.00 per ton. The occupation taxes authorized herein shall be used exclusively for
17 funding solid waste management programs, including the payment of principal and interest on
18 revenue bonds issued by the City of Lincoln.

19 (b) Each refuse hauler shall remit to the Public Works and Utilities Department
20 payment of occupation taxes due and owing from the previous calendar month, together with a
21 complete and detailed statement of (1) the tonnage of refuse collected within the corporate limits
22 of the City of Lincoln, and (2) the tonnage of refuse collected outside of the corporate limits of
23 the City of Lincoln and deposited in the public sanitary landfills during that period. The
24 statement shall identify any tonnage claimed to fall under an exemption to the occupation tax set
25 forth in subparagraph (d) hereof. Such statement shall be duly verified and sworn to by the

1 officer or officers in charge of the business. All such businesses shall at all reasonable times
2 during business hours permit the City, through its officers, agents, or representatives, to inspect
3 the books and records of any such business for the purpose of verifying such report or reports.

4 (c) All refuse collected by refuse haulers within the corporate limits, whether destined
5 for deposit in the public sanitary landfills as designated in Section 8.32.040 or for deposit
6 elsewhere, shall, before leaving the corporate limits of the City of Lincoln, be weighed at the
7 scales located at the public sanitary landfill at 56th Street and Bluff Road or at such other scales
8 approved by the Director of Public Works and Utilities. The refuse hauler shall, at that time,
9 advise the sanitary landfill operator or his designated representative of the amount of such
10 tonnage destined for deposit outside the State of Nebraska. Any refuse not being deposited at the
11 public sanitary landfills designated under Section 8.32.040, whether destined for deposit inside or
12 outside the State of Nebraska, shall be weighed and the driver of the vehicle shall be provided a
13 certificate of weight which shall be displayed upon demand to any police officer of the City of
14 Lincoln.

15 (d) The occupation tax provided herein shall not be imposed upon (1) refuse destined
16 for deposit at any location outside the State of Nebraska; (2) building rubbish or demolition
17 debris lawfully being deposited in the 48th Street public sanitary landfill; (3) liquid waste, as
18 defined in Section 8.32.080 herein; or (4) recyclables, including recyclables mixed with refuse,
19 destined for a materials recovery facility licensed by the Nebraska Department of Environmental
20 Quality per Title 132 or the Federal Resource Conservation and Recovery Act.

21 Section 2. That Section 8.32.150 of the Lincoln Municipal Code as hitherto
22 existing be and the same is hereby repealed.

23 Section 3. That this ordinance shall take effect and be in force from and after
24 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
25 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2014:

Mayor